

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE BRICKLAYERS &
 ALLIED CRAFTWORKERS LOCAL 13
 DEFINED CONTRIBUTION PENSION TRUST
 FOR SOUTHERN NEVADA, et al.,

Plaintiffs,

vs.

GRANITE WORKS, INC., et al.,

Defendants.

Case No. 2:10-cv-00767-HDM-PAL

AMENDED ORDER

(Mtn to Withdraw - Dkt. #27)

This Order amends and replaces the Order (Dkt. #28) entered February 10, 2011. This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #27) filed February 7, 2011. Darius F. Rafie of Mortenson and Rafie, LLP, seeks to withdraw as counsel of record for Defendants Jon Canja and Granite Works, Inc. The Motion represents Defendant Jon Canja, the principal of Defendant Granite Works, Inc. can not longer afford counsel's services. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." This case was removed to this court on June 30, 2010.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record (Dkt. #27) is GRANTED.
2. Defendant Jon Canja shall have until **February 24, 2011**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice or to file a statement that he will be proceeding *pro se*.

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3. Because a corporation cannot appear except through counsel, *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993), Defendant Granite Works, Inc. shall have until **February 24, 2011**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
4. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
5. The Clerk of Court shall serve a copy of this Order on Defendants at:
Granite Works, Inc.
John Canja
11925 Love Orchid Lane
Las Vegas, NV 89138

Dated this 11th day of February, 2011.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE